

UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS

ADMIRAL METALS SERVICENTER CO.,
INC.,
Plaintiff,

v.

FEUZ MANUFACTURING, INC. and
GARY A. FEUZ, individually,
Defendants,

v.

GENERAL ELECTRIC COMPANY and
EMPIRE RECYCLING OPERATIONS,
INC.,

Reach and Apply Defendants.

CIVIL ACTION
NO.: 04 12204 JLT

DEFENDANTS' MOTION FOR PROTECTIVE ORDER
AND/OR TO POSTPONE HEARING

The defendants Gary Feuz and Feuz Manufacturing, Inc. move that this Honorable Court either postpone the hearing on the plaintiff's *Motion for Injunction* and/or issue a protective order staying the hearing. As grounds the defendants state the following:

Gary Feuz, an individual defendant as well as the principal of the corporate defendant Feuz Manufacturing is currently, and has been since before the date that the plaintiff's *Motion* was filed, out of the country in Africa on a religious mission. He is not able to be contacted. Counsel has not had any contact with Mr. Feuz since before the *Motion* was filed. Mr. Feuz is the only person known to counsel that can provide the

information necessary to prepare a response to the plaintiff's *Motion*. Given these circumstances, the defendants cannot adequately respond to the plaintiff's *Motion*.¹

Defendants' counsel last week notified clerk Zita Lovett of this predicament, and requested a postponement. Ms. Lovett graciously agreed to postpone the hearing, pending notice to plaintiff's counsel. After plaintiff's counsel was notified, he contacted Ms. Lovett and informed defendant's counsel that it would be necessary for the parties to reach an agreement that the defendants would "maintain the status quo" during the period of the postponement. Although the parties attempted to do so, negotiations reached a stalemate late in the afternoon of Friday, November 5, 2004, the parties were unable to reach an agreement and communicated this via voice message to Ms. Lovett.

WHEREFORE, for all of the above-stated reasons, the defendants request this Honorable Court to issue a protective order postponing the hearing on the plaintiff's *Motion for Injunction* until such time as Mr. Feuz has returned to the country and consulted with counsel.

¹ Counsel has this day, on behalf of the defendants, also filed a *Provisional Opposition* to the plaintiff's *Motion* but does so without waiving its right to pursue a postponement of the hearing.

REQUEST FOR A HEARING

The defendants respectfully request a hearing on the *Motion* as oral argument may assist the Court in determining the issues presented herein.

Respectfully submitted,
FEUZ MANUFACTURING, INC. and
GARY A. FEUZ,
by their attorneys,

/s/ Michael B. Flynn

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DATE: November 8, 2004

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